

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

ALBERT W. CALLWOOD, MARIA DE LOS A.	)	
CALLWOOD,	)	
	)	
Plaintiff,	)	
	)	Civil No. 2014-09
v.	)	
	)	
ISLAND ROADS CORPORATION; GOVERNMENT	)	
OF THE VIRGIN ISLANDS; GUSTAV JAMES,	)	
PUBLIC WORKS COMMISSIONER; KENNETH	)	
MAPP <sup>1</sup> , GOVERNOR,	)	
	)	
Defendants.	)	
	)	
	)	

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ATTORNEYS:

Albert W. Callwood  
Maria De Los A. Callwood  
St. Thomas, USVI  
*Pro se plaintiffs,*

ORDER

GÓMEZ, J.

The plaintiffs, Albert Callwood and Maria Callwood ("the Callwoods") initiated this action on January 27, 2014. The precise nature of the Callwoods' claim is unclear. The Callwoods appear to claim that they have suffered from a governmental construction project on their property that has effected a taking of their property.

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<sup>1</sup> Kenneth Mapp became Governor of the Virgin Islands in January, 2015. Gustav James is the current Commissioner of Public Works. Pursuant to Federal Rule of Civil Procedure 25, the caption has been changed to reflect the change in governors and commissioners.

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The Court has previously held:

The Virgin Islands eminent domain statutes provide a complete and exclusive procedure to govern all condemnations for public purposes in the territory. See 28 V.I.C. §§ 411-422. These statutory procedures protect the rights of property owners and guarantee the constitutional safeguards to which owners are entitled. They provide the opportunity for the Callwoods to voice their core objection - that this taking is not, in fact, for public use.

Such proceedings are ordinarily a function of the Virgin Islands Superior Court. Indeed, the Superior Court's exercise of this function is, in the first instance, exclusive. See *Brown v. Francis*, 75 F.3d 860 (3d Cir. 1996) (holding that the District Court erred when it asserted jurisdiction over an eminent domain case removed from the Territorial Court).

*Callwood v. Gov't of the Virgin Islands*, Civ. No. 7-cv-104, slip op. at 4-5 (D.V.I. Feb. 4, 2011).

The premises having been considered, it is hereby

**ORDERED** that not later than February 17, 2017, the Callwoods shall submit briefs, with references to the appropriate authorities, addressing whether this matter should be dismissed for want of subject-matter jurisdiction.

S\ \_\_\_\_\_  
Curtis V. Gómez  
District Judge